

United States District Court
For the Northern District of California

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2 *E-FILED ON 4/10/2008*
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NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

PIOTR J. GARDIAS,

Plaintiff,

v.

SAN JOSE STATE UNIVERSITY,

Defendant.

No. C04-04086 HRL

Consolidated With: C04-04768 HRL
C05-01242 HRL
C05-01833 HRL
C06-04695 HRL

**ORDER GRANTING IN PART
PLAINTIFF'S MOTIONS TO EXTEND
TIME TO FILE OPPOSITION TO
SUMMARY JUDGMENT MOTION**

[Re: Docket Nos. 326, 327]

On April 1, 2008, plaintiff filed a motion seeking a two-week extension of time to file his opposition to defendant's summary judgment motion. Then, on April 8, 2008, he filed a second motion seeking a three-week extension to file his opposition papers. Defendant opposes the motions. Upon consideration of the moving and responding papers, the court orders as follows:

Plaintiff has not shown good cause for any extension. He was given notice of the current summary judgment briefing deadlines and hearing date months ago. He was served with defendant's motion one month ago; and, he has had more than ample time to prepare his opposition. Indeed, in consideration of plaintiff's pro se status and the numerosity of the

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1 claims being asserted in this consolidated action, the court set a briefing schedule that gives him
2 considerably more time to prepare his opposition papers than he would have on a normal
3 briefing schedule under Civil Local Rule 7. Moreover, defendant's pending summary judgment
4 motion appears to be substantially similar to the one it filed and served in September 2007.¹ At
5 the same time, however, the court does not find that defendant will be seriously prejudiced by a
6 brief continuance of the remaining briefing deadlines and hearing date. Accordingly, IT IS
7 ORDERED THAT:

8 1. Plaintiff shall have until **April 22, 2008** in which to file his opposition to
9 defendant's motion for summary judgment. Plaintiff is reminded that he shall **not** file his
10 opposition papers in piecemeal fashion. Instead, he must file and serve **all** of his opposition
11 papers (including any witness declarations, his own declaration, and any other documents he
12 chooses to submit in support of his opposition) **at one time by the April 22, 2008 deadline.**

13 **Plaintiff is further advised that this extension is final. No further extensions will be**
14 **granted.**

15 2. Defendant's reply is due by **May 6, 2008**.

16 3. The hearing on defendant's summary judgment motion is **continued to May 20,**
17 **2008, 10:00 a.m.**

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19 Dated: April 10, 2008



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HOWARD F. LLOYD
UNITED STATES MAGISTRATE JUDGE

¹ Plaintiff also sought extensions of time with respect to defendant's prior summary judgment motion. Ultimately, the hearing on defendant's motion was vacated, and briefing was suspended, in order to allow time for defendant to complete plaintiff's deposition. A new briefing and hearing schedule was set when defendant indicated that it intended to re-notice and supplement its original motion to include evidence from plaintiff's deposition testimony. (See Docket No. 322).

United States District Court
For the Northern District of California

1 **A copy of this document will be mailed to:**

2 Piotr J. Gardias
3 72 Floyd Street
3 San Jose, CA 95110

4 Plaintiff (Pro Se)

5

6 **Notice has been electronically mailed to:**

7 Mary Susan Cain-Simon Mary.CainSimon@doj.ca.gov, David.Moss@doj.ca.gov

8 Fiel D. Tigno fiel.tigno@doj.ca.gov

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